

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10-4-13

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IN RE: DIGITAL MUSIC ANTITRUST  
LITIGATION

: MASTER FILE  
: 1:06-MD-01780 (LAP)  
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This document relates to: All Actions  
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**[PROPOSED] ORDER REGARDING  
CLASS CERTIFICATION BRIEFING AND DISCOVERY SCHEDULE**

WHEREAS, by Order dated February 26, 2013, (Dkt. No. 192), the Court set a schedule for briefing for class certification where Plaintiffs' motion for class certification was due by November 1, 2013 and

WHEREAS, the February 26, 2013 Order included a provision that Plaintiffs could take one deposition of each Defendant or Defendant group that "is solely related to Plaintiffs' class certification motion" before November 1, 2013; and

WHEREAS, Plaintiffs served Notices of Deposition pursuant to Federal Rules of Civil Procedure 30(b)(6) (the "Notices") to each Defendant on September 6, 2013 and each Defendant submits that it served timely responses and objections to its respective Notice; and

WHEREAS, the Parties met and conferred in good faith regarding the respective corporate designee(s), dates and times for the deposition and the deposition topics in the Notices; and

WHEREAS, the Parties are still meeting and discussing in good faith regarding the respective corporate designee(s), timing, and deposition topics in the Notices and, accordingly, the Parties are unlikely to complete the meet and confer process and Plaintiffs are unlikely to complete taking these depositions before their November 1, 2013 deadline in the current schedule; and

WHEREAS, the Parties request that the Court approve an extension of approximately 75 days to each date in the current class certification schedule in order that the Parties can complete meeting and conferring on the respective corporate designee, timing, and deposition topics in the Notices as well as complete these depositions before Plaintiffs' brief for class certification is due. The Parties represent that they will work together in good faith in attempting to ensure that all respective class certification-related discovery, including depositions, will be completed sufficiently in advance of the new deadline for filing each respective class certification-related brief;

**THEREFORE, IT IS HEREBY ORDERED:**

1. Before January 17, 2014, Plaintiffs shall complete depositions, if any, that are solely related to Plaintiffs' class certification motion, and shall file their brief in support of their class certification motion, and any other filings related thereto, by no later than January 17, 2014. The depositions that Plaintiffs collectively shall be entitled to take during that time period shall have a presumptive limit of no more than one deposition (whether a 30(b)(6) witness or individual witness) that is solely related to Plaintiffs' class certification motion of each Defendant or Defendant group (*i.e.*, one from the group of EMI defendants, one from Sony Music Entertainment, one from UMG Recordings, Inc. and one from Warner Music Group. Corp.). Plaintiffs reserve the right to seek leave of Court to take more than one deposition of each Defendant or Defendant group, for good cause shown, if after meeting and conferring with Defendants in good faith, the issue cannot be resolved by the Parties.
2. Defendants shall complete any depositions or other discovery Defendants have sought or may seek (either agreed to by Plaintiffs or authorized by the Court) that is reasonably related to opposing Plaintiffs' class certification motion, and shall file their opposition, by no later than April 21, 2014. The depositions that Defendants shall be entitled to take in connection with opposing class certification include depositions of: any or all proposed class representatives; any or all of Plaintiffs' fact or expert witnesses, if any, who submit any declaration or other document in support of Plaintiffs' class certification motion; any other witness(es) reasonably related to opposing Plaintiffs' class certification motion.
3. Plaintiffs shall complete any depositions or other discovery Plaintiffs have sought or may seek (either agreed to by Defendants or authorized by the Court) that is reasonably related to replying to Defendants' opposition, and shall file their reply by no later than August 15, 2014. The depositions that Plaintiffs shall be entitled to take in connection with replying to Defendants' opposition include depositions of: any or all of Defendants' fact or expert witnesses, if any, who submit any declaration or other document in opposition to Plaintiffs' class certification motion; any other witness(es) reasonably related to replying to Defendants' opposition.
4. In the event that Plaintiffs' reply papers raise new issues, including, but not limited to, the submission of declarations from fact or expert witnesses, the parties shall meet and confer in good faith to address whether any discovery is required related thereto and to expeditiously complete such discovery.
5. With respect to each of the above-mentioned depositions, in accordance with Federal Rule of Civil Procedure 30(d), the Parties agree to a presumptive limit for each deposition of one day of seven hours, while expressly reserving their right to seek additional time "if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination."

This Order is without prejudice to the right of any party to seek an extension of the dates contained herein, or to otherwise seek a modification of this order, for good cause shown.

*[Signature Pages Follow]*

STIPULATED AND APPROVED AS TO SUBSTANCE AND FORM.

DATED: September 30, 2013

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DATED: September 30, 2013

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DATED: September 30, 2013

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DATED: September 30, 2013

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**NORTH AMERICA, CAPITOL-EMI MUSIC,**  
**INC. and VIRGIN RECORDS AMERICA, INC.**

DATED: September 30, 2013

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SO ORDERED.

  
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LORETTA A. PRESKA  
CHIEF UNITED STATES DISTRICT JUDGE

Dated: New York, New York  
October 13, 2013